



# TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 475-1329 Fax: (207) 439-6806

December 28, 2015

Kittery Town Council  
Regular Meeting  
7:00 p.m.

Council Chambers

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes
8. Interviews for the Board of Appeals and Planning
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials
10. PUBLIC HEARINGS
  - a. (120215-1) The Kittery Town Council moves to hold a public hearing on an application from Bouldry Family Enterprises LLC, 53 Metzler Road, East Bridgewater, MA 02333 for a Victualer's License for Frisbee's 1828 Market, 88 Pepperrell Road.
  - b. (120215-2) The Kittery Town Council moves to hold a public hearing on an application from Tasty Thai, Inc., 599 Lafayette Road #6, Portsmouth, NH 03801 for a Victualer's License for Tasty Thai, 182 State Road.
11. DISCUSSION
  - a. Discussion by members of the public (three minutes per person)
  - b. Response to public comment directed to a particular Councilor
  - c. Chairperson's response to public comments
12. UNFINISHED BUSINESS
13. NEW BUSINESS
  - a. (120215-3) Donations/gifts received for Council disposition

b. (120215-4) The Kittery Town Council moves to approve the disbursement warrants.

c. (120215-5) The Kittery Town Council moves to re-appoint the following members to boards, committees and commissions effective January 1, 2016:

**Board of Assessment Review**

- Joseph Afienko until 12/31/18
- Dudley Bierau until 12/31/17

**Conservation Commission**

- Karen Saltus until 12/31/18
- Earldean Wells until 12/31/18

**Mary Safford Wildes Trust**

- Jeffrey D. Thomson until 12/31/18

**Shellfish Conservation Committee**

- Daniel Clapp until 12/31/18
- Jean Treacy until 12/31/18

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: December 23, 2015



# TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

[ncolbertpuff@kitteryme.org](mailto:ncolbertpuff@kitteryme.org)

Nancy Colbert Puff  
Town Manager

## Town Manager's Report to the Town Council December 28, 2015

1. **Health Insurance Options for Non-Union Personnel** – I am working on a report for Council's consideration regarding health insurance plan options for non-union personnel. I would like to offer employees who choose a plan with a deductible the option of a health reimbursement account (HRA). I see this as an opportunity to benefit both the employee and the Town.
2. **Freebie Barn Operational Guidelines** – Pursuant to the comments made by former Councilor Jeff Brake at Council's last meeting, the volunteers who operate the Freebie Barn will be developing formal guidelines for the Barn's operation in cooperation with the Commissioner of Public Works. For everyone's information, the Barn is available to those who possess a Kittery Resource Recovery Facility sticker only, items accepted are at the discretion of the volunteers who staff the Barn, and only smaller, working electronics are accepted. According to Cindy Denault who is one of three regular volunteers, she believes it is uncommon for items to be left that then must be disposed of in the Town's waste stream due to a lack of interest in the item.
3. **Surplus Property Sale** – On December 17<sup>th</sup> we opened bids for disposal of a 1988 Fire Department Truck. We received six bids, ranging from a low of \$4,025 to the highest, winning bid of \$6,543.21.
4. **Police Chief Search Update** – The Council's Shared Services Committee met with the leadership of the Eliot Board of Selectmen and Eliot's Town Manager and me to discuss the future of the inter-municipal agreement (IMA) concerning the shared Chief. Dana Lee and I will prepare an analysis of the sharing arrangement for consideration by both Towns.
5. **Sewer Betterment Estimates** – Letters will be mailed to all property owners who will be assessed sewer betterments this week. The letter is intended to give people advance information regarding an estimate for the betterment that may be assessed to their property at the end of the project.
6. **Holiday Hours** – Town Hall will be on December 31<sup>st</sup> and January 1<sup>st</sup> in observance of the New Year's legal holiday and pursuant to contractual obligations.

As always, if you have any questions or concerns prior to the meeting, please do not hesitate to contact me. Thank you.

Respectfully Submitted,

Nancy Colbert Puff



## TOWN OF KITTERY

Office of the Town Clerk  
200 Rogers Road, Kittery, Maine 03904  
Telephone: (207) 475-1328 Fax: (207) 439-6806

### APPLICATION FOR VICTUALERS, INNKEEPERS, AND LODGING HOUSE OPERATORS LICENSE

Applicant (Sole Proprietor, Corporation, Limited Liability Co.): Bouldry Family Enterprises LLC  
(please print)  
Applicant Address: 53 Metzler Rd, E. Bridgewater, MA, 02333  
(please print)  
Applicant's mailing address if different from above: \_\_\_\_\_

Date of Birth (Sole Proprietor): 9/16/1957 Applicant's Telephone Number: (508) 513-8520

Business Name: Frisbee's 1828 Market  
(please print)

Business Address: 88 Pepperell Rd. Kittery, ME  
(please print)

Business Telephone Number: (508) 513-8520

Signature of Applicant: Phil Bouldry Jr. DATE: 12/7/2015

Applicant's Name: Phil Bouldry Jr.

(please print)

LICENSE FEE: \$ 50.00

FIRST TIME APPLICATIONS: \$50.00  
RENEWAL OF LICENSE: \$25.00

PLEASE SUBMIT THIS FORM WITH THE APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE



10/05

**TOWN OF KITTERY**  
Office of the Town Clerk  
200 Rogers Road, Kittery, Maine 03904  
Telephone: (207) 475-1328 Fax: (207) 439-6806

**APPLICATION FOR VICTUALERS, INNKEEPERS,  
AND LODGING HOUSE OPERATORS LICENSE**

Applicant (Sole Proprietor, Corporation, Limited Liability Co.): Tasty Thai, Inc.

Applicant Address: 599 Lafayette Rd #6 Portsmouth, NH 03801  
(please print)

Applicant's mailing address if different from above: \_\_\_\_\_

Date of Birth (Sole Proprietor): 05/21/1971 Applicant's Telephone Number: 603-373-8185

Business Name: Tasty Thai  
(please print)

Business Address: 182 State Rd Kittery ME 03904  
(please print)

Business Telephone Number: 207 439 9988

Signature of Applicant: Allan Pechner Jr. DATE: 11/23/15

Applicant's Name: Allan I Pechner Jr.  
(please print)

LICENSE FEE: \$ 50.00

FIRST TIME APPLICATIONS: \$50.00  
RENEWAL OF LICENSE: \$25.00

PLEASE SUBMIT THIS FORM WITH THE APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE



# TOWN OF KITTERY, MAINE

## TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

PLEASE CHECK APPROPRIATE SQUARE:

- ☒ APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS
- ☐ APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER
- ☐ APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE

NAME: Joseph W Afienko

RESIDENCE: 61 Picott Rd Kittery

MAILING ADDRESS IF DIFFERENT FROM ABOVE: \_\_\_\_\_

E-MAIL ADDRESS: Jafienko@21News.com

TELEPHONE NUMBERS: (HOME) 207-475-6532 (WORK) 439-4030

PRESENT POSITION: Board of Assessment Review

PLEASE CHECK APPROPRIATE SQUARE:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Board of Appeals                      | <input type="checkbox"/> Port Authority   | <input type="checkbox"/> Mary Safford Wildes Trust                 |
| <input type="checkbox"/> Conservation Commission               | <input type="checkbox"/> Planning Board   | <input type="checkbox"/> Shellfish Conservation Comm.              |
| <input checked="" type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee                      |
| <input type="checkbox"/> Cable TV Rate Regulation Board        | <input type="checkbox"/> Personnel Board  | <input type="checkbox"/> Recycling Scholarship Selection Committee |
| <input type="checkbox"/> Other _____                           |   |  |

COMMENTS: \_\_\_\_\_

Please read the back of this application before signing.

Joseph W Afienko  
SIGNATURE OF APPLICANT

7-17-15  
DATE



# TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED  
DEC 22 2015

BY: 9:30 Am

PLEASE CHECK APPROPRIATE SQUARE:

**xx ☐ APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS**

☐ **APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER**

☐ **APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE**

NAME: DUDLEY BIERAU

RESIDENCE: 8 OLD FARM ROAD, KITTERY, ME 03904

MAILING ADDRESS IF DIFFERENT FROM ABOVE: \_\_\_\_\_

E-MAIL ADDRESS: Bierau@att.net

TELEPHONE NUMBERS: (HOME) 439-4857 (WORK) \_\_\_\_\_

PRESENT POSITION: Member, Board of Assessment Review

PLEASE CHECK APPROPRIATE SQUARE:

☐ Board of Appeals

☐ Conservation Commission

xx ☐ Board of Assessment Review

☐ Cable TV Rate Regulation Board

☐ Other \_\_\_\_\_

☐ Port Authority

☐ Planning Board

☐ Parks Commission

☐ Personnel Board

☐ Mary Safford Wildes Trust

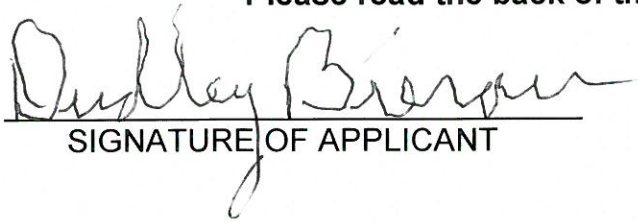
☐ Shellfish Conservation Comm.

☐ Open Space Committee

☐ Recycling Scholarship Selection Committee

COMMENTS: 27<sup>th</sup> year B.O.A.R. member

Please read the back of this application before signing.

  
SIGNATURE OF APPLICANT

12/18/15  
DATE

## Title 30-A: MUNICIPALITIES AND COUNTIES

### §2605. Conflicts of interest

**1. Voting.** The vote of a body is voidable when any official in an official position votes on any question in which that official has a direct or an indirect pecuniary interest.

**4. Direct or indirect pecuniary interest.** In the absence of actual fraud, an official of a body of the municipality, county government or a quasi-municipal corporation involved in a question or in the negotiation or award of a contract is deemed to have a direct or indirect pecuniary interest in a question or in a contract where the official is an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity to which the question relates or with which the unit of municipal, county government or the quasi-municipal corporation contracts only where the official is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.

When an official is deemed to have a direct or indirect pecuniary interest, the vote on the question or the contract is not voidable and actionable if the official makes full disclosure of interest before any action is taken and if the official abstains from voting, from the negotiation or award of the contract and from otherwise attempting to influence a decision in which that official has an interest. The official's disclosure and a notice of abstention from taking part in a decision in which the official has an interest shall be recorded with the clerk or secretary of the municipal or county government or the quasi-municipal corporation.

A. This subsection does not prohibit a member of a city or town council or a member of a quasi-municipal corporation who is a teacher from making or renewing a teacher employment contract with the municipality or quasi-municipal corporation for which the member serves.

**6. Avoidance of appearance of conflict of interest.** Every municipal and county official shall attempt to avoid the appearance of a conflict of interest by disclosure or by abstention.



# TOWN OF KITTERY, MAINE

## TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

BY: *[Signature]*  
JUN 25 2015  
15061972

PLEASE CHECK APPROPRIATE SQUARE:

☒ **APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS**

☐ **APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER**

☐ **APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE**

NAME: Maren Saltus

RESIDENCE: 16 Pocahontas Rd

MAILING ADDRESS IF DIFFERENT FROM ABOVE: \_\_\_\_\_

E-MAIL ADDRESS: Maren@Marensaltus.com

TELEPHONE NUMBERS: (HOME) 438 9055 (WORK) \_\_\_\_\_

PRESENT POSITION: Conservation Commission

PLEASE CHECK APPROPRIATE SQUARE:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Board of Appeals                   | <input type="checkbox"/> Port Authority   | <input type="checkbox"/> Mary Safford Wildes Trust                 |
| <input checked="" type="checkbox"/> Conservation Commission | <input type="checkbox"/> Planning Board   | <input type="checkbox"/> Shellfish Conservation Comm.              |
| <input type="checkbox"/> Board of Assessment Review         | <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee                      |
| <input type="checkbox"/> Cable TV Rate Regulation Board     | <input type="checkbox"/> Personnel Board  | <input type="checkbox"/> Recycling Scholarship Selection Committee |
| <input type="checkbox"/> Other _____                        |   |  |

COMMENTS: \_\_\_\_\_

Please read the back of this application before signing.

*Maren Saltus*  
SIGNATURE OF APPLICANT

6-23-15  
DATE



# TOWN OF KITTERY, MAINE

## TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

BY: g: 30  
JUN 23 2015

PLEASE CHECK APPROPRIATE SQUARE:

☒ APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS

☐ APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER

☐ APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE

NAME: EARL DEAN WELLS

RESIDENCE: 104 Whipple Rd

MAILING ADDRESS IF DIFFERENT FROM ABOVE: \_\_\_\_\_

E-MAIL ADDRESS: earldeanwells@myfairpoint.net

TELEPHONE NUMBERS: (HOME) 207-439-2787 (WORK) \_\_\_\_\_

PRESENT POSITION: Chair - Conservation Commission

PLEASE CHECK APPROPRIATE SQUARE:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Board of Appeals                   | <input type="checkbox"/> Port Authority   | <input type="checkbox"/> Mary Safford Wildes Trust                 |
| <input checked="" type="checkbox"/> Conservation Commission | <input type="checkbox"/> Planning Board   | <input type="checkbox"/> Shellfish Conservation Comm.              |
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| <input type="checkbox"/> Cable TV Rate Regulation Board     | <input type="checkbox"/> Personnel Board  | <input type="checkbox"/> Recycling Scholarship Selection Committee |
| <input type="checkbox"/> Other _____                        |   |  |

COMMENTS: \_\_\_\_\_

Please read the back of this application before signing.

Earl Dean Wells  
SIGNATURE OF APPLICANT

6/21/2015  
DATE



# TOWN OF KITTERY, MAINE

## TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED  
JUL 08 2015

BY: 4:08 pm

PLEASE CHECK APPROPRIATE SQUARE:

☒ **APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS**

☐ **APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER**

☐ **APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE**

NAME: Jeffrey D. Thomson

RESIDENCE: 25 Old Post Rd

MAILING ADDRESS IF DIFFERENT FROM ABOVE: \_\_\_\_\_

E-MAIL ADDRESS: jeffdthomson@gmail.com

TELEPHONE NUMBERS: (HOME) 439-1277 (WORK) 752-1313 <sup>cell</sup>

PRESENT POSITION: Trustee

PLEASE CHECK APPROPRIATE SQUARE:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Board of Appeals               | <input type="checkbox"/> Port Authority   | <input checked="" type="checkbox"/> Mary Safford Wildes Trust      |
| <input type="checkbox"/> Conservation Commission        | <input type="checkbox"/> Planning Board   | <input type="checkbox"/> Shellfish Conservation Comm.              |
| <input type="checkbox"/> Board of Assessment Review     | <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee                      |
| <input type="checkbox"/> Cable TV Rate Regulation Board | <input type="checkbox"/> Personnel Board  | <input type="checkbox"/> Recycling Scholarship Selection Committee |
| <input type="checkbox"/> Other _____                    |   |  |

COMMENTS: Work for the Common Good

Please read the back of this application before signing.

Jeff D Thomson  
SIGNATURE OF APPLICANT

6/19/15  
DATE



# TOWN OF KITTERY, MAINE

## TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

PLEASE CHECK APPROPRIATE SQUARE:

☒ APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS

☐ APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER

☐ APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE

NAME: Dan Clapp

RESIDENCE: Kittery 1 MacDougal St.

MAILING ADDRESS IF DIFFERENT FROM ABOVE: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

TELEPHONE NUMBERS: (HOME) 207 439 0528 (WORK) \_\_\_\_\_

PRESENT POSITION: Chairman

PLEASE CHECK APPROPRIATE SQUARE:

- ☐ Board of Appeals
- ☐ Conservation Commission
- ☐ Board of Assessment Review
- ☐ Cable TV Rate Regulation Board
- ☐ Other \_\_\_\_\_

- ☐ Port Authority
- ☐ Planning Board
- ☐ Parks Commission
- ☐ Personnel Board

- ☐ Mary Safford Wildes Trust
- ☒ Shellfish Conservation Comm.
- ☐ Open Space Committee
- ☐ Recycling Scholarship Selection Committee

COMMENTS: \_\_\_\_\_

Dan Clapp  
SIGNATURE OF APPLICANT

Please read the back of this application before signing.

7-28-15  
DATE



# TOWN OF KITTERY, MAINE

## TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED  
JUN 29 2015  
BY: 9:30 AM

PLEASE CHECK APPROPRIATE SQUARE:

- ☒ **APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS**
- ☐ **APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER**
- ☐ **APPLICATION FOR APPOINTMENT FROM FULL MEMBER TO ALTERNATE**

NAME: JEAN TREACY

RESIDENCE: 135 Pepperrell Road, Kittery Pt., ME 03905

MAILING ADDRESS IF DIFFERENT FROM ABOVE: \_\_\_\_\_

E-MAIL ADDRESS: jeangtreacy@gmail.com

TELEPHONE NUMBERS: (HOME) 703-0448 (WORK) —

PRESENT POSITION: member of Shellfish Commission

PLEASE CHECK APPROPRIATE SQUARE:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Board of Appeals               | <input type="checkbox"/> Port Authority   | <input type="checkbox"/> Mary Safford Wildes Trust                 |
| <input type="checkbox"/> Conservation Commission        | <input type="checkbox"/> Planning Board   | <input checked="" type="checkbox"/> Shellfish Conservation Comm.   |
| <input type="checkbox"/> Board of Assessment Review     | <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee                      |
| <input type="checkbox"/> Cable TV Rate Regulation Board | <input type="checkbox"/> Personnel Board  | <input type="checkbox"/> Recycling Scholarship Selection Committee |
| <input type="checkbox"/> Other _____                    |   |  |

COMMENTS: \_\_\_\_\_

Jean Treacy  
SIGNATURE OF APPLICANT

Please read the back of this application before signing.

6-23-05  
DATE